

Chairman Tim Schram called the regularly scheduled meeting to order at 10:00 a.m. with Commissioners Anne Boyle, Tim Schram and Gerald Vap present and Commissioners Rod Johnson and Frank Landis excused. Chairman Schram invited the public to address the Commission and also announced that a copy of the Nebraska Open Meetings Act was posted in the meeting room. No announcements were made.

#### GENERAL ADMINISTRATION

Notice was duly published February 15, 2011 on Page 7 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held February 23, 2011 at 10:00 a.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln.

Attention was called to the following proceeding:

Thursday, February 24, 2011

1:30 Commission Hearing Room, Lincoln with a video link to the Columbus Public Library, 2504 14th Street, Columbus Room, 2nd Floor, Columbus. Nebraska Internet Enhancement Fund (NIEF) Advisory Board meeting.

#### COMMUNICATIONS DEPARTMENT

FC-1349 In the Matter of the Formal Complaint of Sprint Communications Company LP, Overland Park, Kansas, v. Arapahoe Telephone Company, Blair; et. al, alleging unfair and unreasonable intra-state switched access rates and inefficient network architecture. Commissioner Frank Landis presiding as Hearing Officer: Motion made by Commissioner Jerry Vap, seconded by Commissioner Anne Boyle, to enter an order dismissing in part. Motion passed with Commissioners Anne Boyle, Tim Schram and Jerry Vap voting AYE, and Commissioners Rod Johnson and Frank Landis excused not voting.

C-4317/  
PI-175 In the Matter of the Nebraska Public Service Commission, on its own motion, to investigate a network service outage in CenturyLink's service area and to resolve any remaining network reliability issues. Commissioner Jerry Vap presiding as Hearing Officer: Motion made by Commissioner Jerry Vap, seconded by Commissioner Anne Boyle, to enter an order of finding and conclusions. Motion passed with Commissioners Anne Boyle, Tim Schram and Jerry Vap voting AYE, and Commissioners Rod Johnson and Frank Landis excused not voting.

COMMUNICATIONS DEPARTMENT (Cont.)

C-4327 In the Matter of the Application of CommPartners, LLC, Las Vegas, Nevada, seeking authority to withdraw their interexchange certification and tariff in the State of Nebraska: Motion made by Commissioner Anne Boyle, seconded by Commissioner Jerry Vap, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Tim Schram and Jerry Vap voting AYE, and Commissioners Rod Johnson and Frank Landis excused not voting.

C-4302 In the Matter of the Application of Cellco Partnership and its Subsidiaries and Affiliates to Amend Eligible Telecommunications Carrier Designation in the State of Nebraska: Gene Hand informed the Commission that Hearing Officer orders were entered, one on February 15, 2011, admitting non-resident attorneys and the second on February 18, 2011, ruling on motions to compel.

C-3206 In the Matter of the Commission, on its own motion, to administer the Nebraska Internet Enhancement Fund: Gene Hand informed the Commission that the Nebraska Internet Enhancement Fund (NIEF) Advisory Board will meet February 24, 2011, at 2:00 p.m. in the Commission Hearing Room, Lincoln with a video link to the Columbus Public Library, 2504 14th Street, Columbus Room, 2nd Floor, Columbus.

Gene Hand reported the National Broadband map was released on February 17, 2011, and is accessible at [www.broadbandmap.gov](http://www.broadbandmap.gov). He provided the Commissioners with a schedule of the eight Regional Broadband Forums to be held across Nebraska beginning March 23, 2011, in Norfolk.

Gene Hand reported on the National Association of Regulatory Utility Commissioners (NARUC) Winter Committee Meetings held in Washington, D.C. from February 11-16 and on the Federal-State Joint Board on Universal Service Workshop held at the Federal Communications Commission (FCC) on February 17, 2011.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT

911-019/  
PI-118 In the Matter of the Commission, on its own motion, seeking to implement provisions of LB 1222 [2006] and to establish a permanent funding mechanism for wireless enhanced 911 service: Motion made by Commissioner Jerry Vap, seconded by Commissioner Anne Boyle, to approve audit and attestation forms for verification of distribution of funding for 2010-2011. Motion passed with Commissioners Anne Boyle, Tim Schram and Jerry Vap voting AYE, and Commissioners Rod Johnson and Frank Landis excused not voting.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT (Cont.)

911-024.31 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to develop policies and process requests for access to GIS data and the GIS Repository: Nebraska Department of Natural Resources: Motion made by Commissioner Anne Boyle, seconded by Commissioner Jerry Vap, to enter an order amending the original access request. Motion passed with Commissioners Anne Boyle, Tim Schram and Jerry Vap voting AYE, and Commissioners Rod Johnson and Frank Landis excused not voting.

911-050 In the Matter of the First Petition of N.E. Colorado Cellular, Inc., d/b/a Viaero Wireless, for Support from the E-911 Wireless Service Provider (WSP) Grant Program: Motion made by Commissioner Jerry Vap, seconded by Commissioner Anne Boyle, to enter an order approving the funding. Motion passed with Commissioners Anne Boyle, Tim Schram and Jerry Vap voting AYE, and Commissioners Rod Johnson and Frank Landis excused not voting.

Motion made by Commissioner Jerry Vap, seconded by Commissioner Anne Boyle, to grant the following requests for an extension of time to complete the NUSF Worksheet Audit due December 31, 2010. Motion passed with Commissioners Anne Boyle, Tim Schram and Jerry Vap voting AYE, and Commissioners Rod Johnson and Frank Landis excused not voting.

NUSF-1, In the Matter of the Nebraska Public Service Commission, on PO #7 its own motion, seeking to establish guidelines for administration of the Nebraska Universal Service Fund: KDDI America until March 31, 2011.

NUSF-1, In the Matter of the Nebraska Public Service Commission, on PO #7 its own motion, seeking to establish guidelines for administration of the Nebraska Universal Service Fund: Net One International until May 7, 2011.

NUSF-37. In the Matter of Sue Vanicek, Director of the Nebraska 238 Telecommunications Infrastructure and Public Safety Department of the Nebraska Public Service Commission, Complainant, v. Long Lines Wireless, LLC, Respondent(s): Motion made by Commissioner Jerry Vap, seconded by Commissioner Anne Boyle, to enter an order dismissing the complaint. Motion passed with Commissioners Anne Boyle, Tim Schram and Jerry Vap voting AYE, and Commissioners Rod Johnson and Frank Landis excused not voting.

Motion made by Commissioner Jerry Vap, seconded by Commissioner Anne Boyle, to enter orders in NUSF-37.206, NUSF-37.207, NUSF-37.213, NUSF-37.227 and NUSF-37.232 scheduling a Show Cause Hearing for April 19, 2011 at 1:30 p.m. in the Commission Hearing Room, Lincoln. Motion passed with Commissioners Boyle, Schram and Vap voting AYE, and Commissioners Johnson and Landis excused not voting. Commissioner Rod Johnson was appointed as Hearing Officer.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT (Cont.)

- NUSF-37. In the Matter of Sue Vanicek, Director of the Nebraska  
206 Telecommunications Infrastructure and Public Safety Department of the Nebraska Public service Commission, Complainant, v. Ztar Mobile, Inc., Respondent(s).
- NUSF-37. In the Matter of Sue Vanicek, Director of the Nebraska  
207 Telecommunications Infrastructure and Public Safety Department of the Nebraska Public service Commission, Complainant, v. NetOne International, Inc., Respondent(s).
- NUSF-37. In the Matter of Sue Vanicek, Director of the Nebraska  
213 Telecommunications Infrastructure and Public Safety Department of the Nebraska Public service Commission, Complainant, v. Access Point, Inc., Respondent(s).
- NUSF-37. In the Matter of Sue Vanicek, Director of the Nebraska  
227 Nebraska Telecommunications Infrastructure and Public Safety Department of the Nebraska Public service Commission, Complainant, v. Discount Long Distance, Inc., Respondent(s).
- NUSF-37. In the Matter of Sue Vanicek, Director of the Nebraska  
232 Telecommunications Infrastructure and Public Safety Department of the Nebraska Public Service Commission, Complainant, v. OnStar, Inc., Respondent(s).

NATURAL GAS DEPARTMENT

- NG-0061/ In the Matter of Black Hills/Nebraska Gas Utility Company,  
HS-0029 LLC, d/b/a Black Hills Energy, Omaha, seeking a General Rate Increase for Black Hills Energy's Rate Areas One, Two and Three (Consolidated). Commissioner Frank Landis presiding as Hearing Officer: Motion made by Commissioner Anne Boyle, seconded by Commissioner Jerry Vap, to enter Assessment Order HS-0029. Motion passed with Commissioners Anne Boyle, Tim Schram and Jerry Vap voting AYE, and Commissioner Frank Landis excused not voting.
- NG-0060 In the Matter of SourceGas Distribution LLC, Lakewood, Colorado, seeking approval of a general rate increase. Commissioner Rod Johnson presiding as Hearing Officer: Laura Demman discussed an order entered by the Hearing Officer on February 18, 2011, scheduling a Technical Conference for the revised rate filing and refund plan on remand for March 7, 2011, at 1:30 p.m. CST in the Niobrara Conference Room, Lincoln. A hearing was scheduled for March 22, 2011, at 1:30 p.m. CDT in the Commission Hearing Room, Lincoln.

Laura Demman reported on the winter NARUC Gas committee meetings held in Washington, D.C. from February 13-15, 2011.

LEGISLATIVE REPORT

Angela Melton discussed pending legislation.

TRANSPORTATION DEPARTMENT

B-1618 In the Matter of Royal Limousine, Inc., Omaha, seeking to extend its authority in the transportation of passengers and their baggage by limousine including vans, sedans, and SUVs between points in Colfax, Platte, Butler, Douglas, Cuming, Burt, Washington, Lancaster, Sarpy, Cass, Otoe, Seward, Stanton, and Madison counties and between points within said counties, on the one hand, and, on the other hand, points in Nebraska over irregular routes. Motion made by Commissioner Anne Boyle, seconded by Commissioner Jerry Vap, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Tim Schram and Jerry Vap voting AYE, and Commissioners Rod Johnson and Frank Landis excused not voting.

Rate Division

MR-930 In the Matter of Movers and Warehouse Division, Nebraska Motor Carriers Association, Lincoln, seeking authority to establish a fuel surcharge in Nebraska Official Goods Tariff 7F and Tariff 22: The Tariff 7F fuel surcharge was increased to \$.96 per mile, and the Tariff 22 fuel surcharge to \$6.00 per truck per trip.

GRAIN WAREHOUSE DEPARTMENT

GW-17 In the Matter of Farmers Cooperative Association, Eustis: John Fecht discussed the shortage of soybeans.

GW-340 In the Matter of Union Grain Company, St. Libory: John Fecht discussed the shortage of corn.

GW-2119 In the Matter of the Application of M. G. Waldbaum dba Wayne Grain and Feed, Wayne, seeking to increase its deductible to \$250,000 on its stock insurance: Motion made by Commissioner Jerry Vap, seconded by Commissioner Anne Boyle, to grant the request for an increased stock insurance deductible. Motion passed with Commissioners Anne Boyle, Tim Schram and Jerry Vap voting AYE and Commissioners Rod Johnson and Frank Landis excused not voting.

Grain Dealer Division

GD-553 In the Matter of the Application of Kroeker Grain and Lumber, Henderson, seeking authority as a grain dealer pursuant to Neb. Rev. Stat. Section 75-903 (Reissue 1996): Motion made by Commissioner Jerry Vap, seconded by Commissioner Anne Boyle, to grant the request for a grain dealer license. Motion passed with Commissioners Anne Boyle, Tim Schram and Jerry Vap voting AYE, and Commissioners Rod Johnson and Frank Landis excused not voting.

GENERAL ADMINISTRATION

Motion made by Commissioner Jerry Vap, seconded by Commissioner Anne Boyle, to approve the Executive Director's recommendation to approve the following Commission invoices. Motion passed with Commissioners Anne Boyle, Tim Schram and Jerry Vap voting AYE, and Commissioners Rod Johnson and Frank Landis excused not voting.

|                   |    |           |
|-------------------|----|-----------|
| Sprint            | \$ | 63,358.44 |
| Maurice Gene Hand |    | 1,726.46  |
| Anne Boyle        |    | 489.60    |
| Anne Boyle        |    | 1,311.02  |
| Tim Schram        |    | 1,166.04  |
| Gerald Vap        |    | 1,321.50  |

NEBRASKA EQUIPMENT DISTRIBUTION PROGRAM

|                                   |  |          |
|-----------------------------------|--|----------|
| Amplified Phone Services          |  | 348.20   |
| B Hear                            |  | 1,942.45 |
| Beltone                           |  | 663.75   |
| DynaVox Systems LLC               |  | 1,000.00 |
| Glassman's Hearing Aid Service    |  | 114.90   |
| Grand Island Hearing Aid          |  | 3,169.00 |
| Hearing Aid Center of Columbus    |  | 159.95   |
| Hearing Clinic Inc                |  | 1,700.00 |
| Carl A Johnson Jr.                |  | 471.92   |
| Professional Hearing Aid Services |  | 160.95   |
| Sherard Hearing Aid Center        |  | 219.45   |
| Sprint Communications             |  | 199.99   |
| Teltex Inc                        |  | 2,271.13 |
| U-Save Pharmacy & Medical Supply  |  | 263.90   |
| Western ENT Associates PC         |  | 358.95   |

The following invoices were paid between February 9 and February 22, 2011 and should be ratified:

|                                     |  |        |
|-------------------------------------|--|--------|
| AS Central Services                 |  | 524.40 |
| AS Central Services-Office Supplies |  | 628.45 |
| AS Central Services-OCIO            |  | 659.07 |
| HHSS Reg & License                  |  | 911.60 |

Motion made by Commissioner Jerry Vap, seconded by Commissioner Anne Boyle, to approve the Executive Director's recommendation to approve Commission minutes for January, 2011. Motion passed with Commissioners Anne Boyle, Tim Schram and Jerry Vap voting AYE, and Commissioners Rod Johnson and Frank Landis excused not voting.

Motion made by Commissioner Anne Boyle, seconded by Commissioner Jerry Vap, to approve the Executive Director's recommendation to approve the purchase of a laptop computer for General Administration. Motion passed with Commissioners Anne Boyle, Tim Schram and Jerry Vap voting AYE, and Commissioners Rod Johnson and Frank Landis excused not voting.

GENERAL ADMINISTRATION (Cont.)

Motion made by Commissioner Jerry Vap, seconded by Commissioner Anne Boyle, to approve the Executive Director's recommendation to enter into closed session to discuss personnel issues. Motion passed with Commissioners Anne Boyle, Tim Schram and Jerry Vap voting AYE, and Commissioners Rod Johnson and Frank Landis excused not voting. The Commission entered into closed session at 10:40 a.m.

Motion made by Commissioner Jerry Vap, seconded by Commissioner Anne Boyle, to approve the Executive Director's recommendation to return to open session. Motion passed with Commissioners Anne Boyle, Tim Schram and Jerry Vap voting AYE, and Commissioners Rod Johnson and Frank Landis excused not voting. The Commission returned to open session at 11:12 a.m.

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The meeting adjourned at 11:12 a.m. with Commissioners Anne Boyle, Tim Schram and Gerald Vap present and Commissioners Rod Johnson and Frank Landis excused. The next regularly scheduled meeting will be held on March 1, 2011, at 10:00 a.m. with an agenda to be available in the office of the Executive Director at 10:00 a.m. on February 28, 2011.

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Chairman

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Executive Director